

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

BRENNAN M. GILMORE,

Plaintiff,

v.

ALEXANDER E. (ALEX) JONES, et al.,

Defendants.

No. 3:18-cv-00017-NKM-JCH

NOTICE

On March 1, 2022, the Court entered an Order (Dkt. #481), directing Defendant Hoft to file a written notice within fourteen days (by March 15, 2022), providing various information as more fully stated in the Order. Pursuant to this Order, Defendant Hoft provides the Court with the following information.

Social Media

In a previous Order (Dkt. #461) of November 23, 2021, the Court ordered eleven (11) social media companies (“SMC”), instructing Hoft to notify the SMCs, and upon notice, the SMCs would have fourteen (14) days to produce Hoft’s social media data. On January 2, 2022, counsel for Mr. Hoft sent notice as well as a copy of the Order to the email addresses indicated in Table 1, below.

In the Order of March 1st, the Court instructed Hoft to “produce to Plaintiff any responsive materials contained in productions received from the four Social Media Platforms by 5:00 P.M. on Friday, March 4, 2022. During a hearing on the discovery dispute on March 1, 2022, counsel for Mr. Hoft represented to the Court that he had received production from four (4) of the SMCs – Koo, Gab, CloutHub, and SafeChat. However, Mr. Hoft’s counsel was in error. In fact, Koo, located in India, communicated through their attorney that pursuant to the US-India Mutual Legal Assistance Treaty,

any US Court Order would have to be processed through the Indian Ministry of Home Affairs, and Koo did not produce any materials. Mr. Hoft's counsel begs the Court's pardon for the accidental misstatement. However, noting that the Court had instructed Mr. Hoft to perform searches as best as he could using the various SMCs' native search functions, Mr. Hoft's counsel thoroughly searched the Koo site, and no responsive materials were located. Additionally, unbeknownst to counsel on March 1, 2022, some of the materials produced by Gab ultimately proved to be unusable. Counsel contacted Gab, asked them to send the corrected data, and as of today Mr. Hoft has now produced the relevant materials to Plaintiff.

The Order of March 1, 2022 also required Mr. Hoft to file this Notice with the Court, outlining the steps he or his agents took to obtain the remaining materials from the remaining seven SMCs. As of today's date, of the eleven SMCs identified in the Court's November 23, 2021 Order, four (4) SMCs (Minds, Telegram, Signal, and 2nd1st) have not responded to Hoft, one (1) is based overseas (Koo) and has refused, five (5) have produced materials (FreeSpace, Gab, Parler, SafeChat, and CloutHub) to Hoft, and one (1) appears to be out of business (Politichatter). See the summary, below.

Table 1

Social Media Company	Date Notified by Hoft	Notice of Order Sent to the Following Email Addresses	Ultimate Response Date (if any)	Response / Production	Current Status
CloutHub	1/2/22	support@clouthub.com	1/20/22	Provided Materials	Defense counsel reviewed and produced all relevant materials he could find.
SafeChat	1/2/22	info@safechat.com , feedback@safechat.com	1/4/22	Provided Materials	Defense counsel reviewed and produced all relevant materials he could find.
PolitiChatter	1/2/22	support@locals.com	1/6/22	Counsel for Locals Technology (what we believed to be the parent company of Politichatter) stated that it was not the correct entity to be notified.	Defense counsel's best assessment is that Politichatter is no longer a going concern.
Koo App	1/2/22	hello@kooapp.com , redressal@kooapp.com , compliance.officer@kooapp.com , nodal.officer@kooapp.com	1/17/22	Koo is based in India. Instructed by Koo's associate counsel that pursuant to the US-India Mutual Legal Assistance Treaty, any US Court Order would have to be processed through the Ministry of Home Affairs	Defense counsel has performed a search on Koo's site, and can locate no responsive materials.
Minds	1/2/22	support@minds.com , info@minds.com	N/A	N/A	Defense counsel performed a search via Minds' site, and

					produced all relevant materials, with exception of two searches explained infra.
Gab	1/2/22	Preston Byrne, Esq. – counsel for Gab.com	1/6/22; 3/9/22	Provided Materials	Defense counsel reviewed and produced all relevant materials.
Parler	1/2/22	privacy@parler.com	3/11/22	Provided Materials	Defense counsel reviewed and produced all relevant materials.
2 nd 1st	1/2/22	support@howly.app , support@howly.com , support@howly.app	N/A	N/A	Mr. Hoft does not have access to his full set of posts. A limited production was tendered as described more fully, infra.
Signal	1/2/22	privacy@signal.com	N/A	N/A	Defense counsel performed a search via Signal's application, and produced all relevant materials, with exception of two searches explained infra.
Telegram	1/2/22	abuse@telegram.org	N/A	N/A	Defense counsel performed a search via Telegram's application, and produced all relevant materials, with

					exception of two searches explained infra.
FreeSpace Social	1/2/22	contact@freespacesocial.app	3/15/22	Provided Materials	Defense counsel reviewed and produced all relevant materials he could find.

As of today, Mr. Hoft has produced Bates-stamped copies of all responsive materials he was able to obtain or identify – that is, all of the responsive materials in his possession, custody, or control. For the five SMCs that produced materials to Mr. Hoft, the materials were keyword searched pursuant to the Court’s Order of April 21, 2021 (Dkt. #271). As stated, we believe Politichatter is no longer in business, and there was no account to log into. Because of the limitations of the 2nd1st’s web platform, Mr. Hoft only has access to a few dozen posts, even though he has posted many more. It is an extremely small and primitive social media site.¹ Mr. Hoft has made what production he could, based on this limited access.

Mr. Hoft’s counsel searched Koo, 2nd1st, Minds, Gab (for chats only), Parler (for chats only), and Telegram. Signal data can only be accessed on Mr. Hoft’s phone,² and because he is out of state, Mr. Hoft’s spouse ran the keyword searches for signal. Because of the limitations of the search functions on the **sites/apps**, two search keywords were not possible: Deep AND State within four words, and State AND Department within six words. However, “state department” and “deep state” were searched. It is important to note that with extremely rare exception, all of the produced materials are simply republications of articles which were originally published on thegatewaypundit.com, which were themselves previously produced to Plaintiff nearly one year ago. For nearly all of these accounts, near exclusive purpose is to republish articles. Here is a highly representative sample of what was produced.

The Court’s March 1, 2022 Order also instructed Mr. Hoft to include in this Notice a written description of all steps taken in obtaining the certain pictures. These pictures were originally obtained by Mr. Hoft’s counsel – John Burns – while performing a search in WordPress. WordPress is the platform upon which Gateway Pundit is based. The search conducted was a multimedia search, and

¹ To put this in context, as of today Gateway Pundit has 544 followers on 2nd1st, and in excess of 300,000 followers on Parler.

² Upon researching the matter, Signal data cannot be transferred from one’s phone to a computer. *See Exhibit A*, attached.

the pictures which were produced appeared when the court-ordered keywords were used. Plaintiff requested (not in an interrogatory, but simply demanded) Mr. Hoft identify the articles corresponding to these pictures or what they were. – the original body of which number approximately twenty-nine. Working with an IT professional, Hoft’s counsel was able to identify the associated articles for all but seven (7).

Subsequent efforts have yielded the following results. For picture **JH_Supp_Disc_0056**, the picture does not appear in any published article but is located at <https://www.thegatewaypundit.com/wp-content/uploads/charlottesville-car.jpg>. For picture **JH_Supp_Disc_0057**, the picture does not appear in any published article as far as we can tell, but is located on the site at https://www.thegatewaypundit.com/wp-content/uploads/f_charlottesville_policechief_presser_170814.jpg. For **JH_Supp_Disc_0072-73**, the pictures appear in the following article: <https://www.thegatewaypundit.com/2018/08/video-liberals-repeatedly-attack-nbc-reporter-in-charlottesville-at-black-lives-matter-protest/>.

JH_Supp_Disc_0074 appears in the following article: <https://www.thegatewaypundit.com/2018/08/fox-news-antifa-is-reporting-they-are-blocking-camera-lenses-and-cutting-chords-to-tv-cameras-video/>. **JH_Supp_Disc_0084** appears in the following article: <https://www.thegatewaypundit.com/2017/08/obama-legacy-white-racists-march-street-charlottesville-torches-video/>. Finally, we do not believe **JH_Supp_Disc_0090** appears in any article, but is located at <https://www.thegatewaypundit.com/wp-content/uploads/Heyer-Getty-Images-Chip-Somodevilla.jpg>.

Dated: March 15, 2022

By: /s/ John C. Burns
John C. Burns, admitted *pro hac vice*
BURNS LAW FIRM
P.O. Box 191250
Saint Louis, MO 63119
Tel: (314) 329-5040
Fax: (314) 282-8136
TBLF@PM.ME

Timothy B. Hyland
Virginia Bar No. 31163
HYLAND LAW PLLC
1818 Library Street, Ste. 500
Reston, VA 20190
(703) 956-3548 (Tel.)
(703) 935-0349 (Fax)

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of March 2022, a copy of the foregoing was served on all parties via the Court's Electronic Case Filing system.

/s/ John C. Burns
John C. Burns